

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

**UNITED STATES OF AMERICA**

**v.**

**ALAN ROY MOUNTAIN**

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) **Criminal No. 91-6-B**  
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**ORDER ON PENDING MOTIONS**

Before the Court are the Government's Motion for Modification of Conditional Release Order (Docket # 61) and Defendant's Motion for Order Modifying Conditional Release (Docket # 62). The Motions are both hereby GRANTED IN PART and DENIED IN PART.

First, as requested by Defendant and despite the Government's objection, the Court will use the term "Volunteer Patient Advocate" to describe the role of Mr. DeMaio. In the Court's assessment, this term best captures the pro bono service that Mr. DeMaio is now providing in this case.

Second, having reviewed the parties' motions and 18 U.S.C. § 4247(i)(A), the Court cannot find any statutory authority for ordering the Attorney General to pay for necessary costs of conditional discharge. To the extent the Court's April 28, 1994 Order on Conditional Discharge contained such an order, it appears to this Court that such an order was included without objection from the Government. Now, the Government is clearly objecting to such a cost-shifting provision and Defendant has not given the Court any statutory authority or precedent that would support the Court making such an order over the Government's explicit objection.

Of course, Defendant is free to bring to the Court's attention any necessary cost of conditional discharge that is not being provided to Mr. Mountain because it is not covered by available local, state or federal programs. If the Court finds that the cost is necessary and that there is no other means for securing Defendant the required services, the Court may commit the Defendant to the custody of the Attorney General in order to have the Attorney General secure those services in accordance with 18 USC § 4247(i)(A).

In accordance with these rulings, the Court is separately filing its Order Modifying Conditional Release.

SO ORDERED.

/s/ George Z. Singal  
Chief U.S. District Judge

Dated this 29th day of January, 2009.